

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ROBBIE MOUZON,

Plaintiff,

-against-

23 CIVIL 10911 (PMH)

JUDGMENT

UNITED STATES OF AMERICA et al.,

Defendants.

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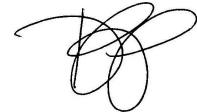
It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated January 6, 2025, Defendants' motion to dismiss the Complaint is GRANTED. Plaintiff's claims under the FTCA are dismissed without prejudice and his claims under Bivens are dismissed with prejudice. While "[d]istrict courts should frequently provide leave to amend before dismissing a pro se complaint... leave to amend is not necessary when it would be futile." Reed v. Friedman Mgmt. Corp., 541 F. Appx 40, 41 (2d Cir. 2013) (citing Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir.2000)). Because the nature of the defects in Plaintiffs claims, as discussed herein, would render any amendment addressed to Plaintiff's claims under the FTCA and Bivens futile, leave to amend is denied. See, e.g., Bravo, 684 F. Supp. 3d at 126. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Opinion and Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). Accordingly, the case is closed.

Dated: New York, New York

January 6, 2025

TAMMI M. HELLWIG
Clerk of Court

BY:



Deputy Clerk